

12-04-03

IFW Image
4V

Please type a plus sign (+) inside this box

+

PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number

TRANSMITTAL
FORM

(to be used for all correspondence after initial filing)

		Application Number	09/811,123
		Filing Date	March 16, 2001
		First Named Inventor	SHARON ERICKSON
		Group/Art Unit	1642
		Examiner Name	HOLLERAN, ANNE L.
Total Number of Pages in This Submission	8	Attorney Docket Number	39766-0073 A2

ENCLOSURES (check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Version With Markings Showing Changes <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 <input type="checkbox"/> Copy of Notice	<input type="checkbox"/> Copy of an Assignment <input type="checkbox"/> Drawing(s) <input checked="" type="checkbox"/> DECLARATION AND POWER OF ATTORNEY <input checked="" type="checkbox"/> STATEMENT OF WALTER A. BLATTLER <input checked="" type="checkbox"/> PETITION TO CORRECT INVENTORSHIP <input checked="" type="checkbox"/> CONSENT OF ASSIGNEE TO CHANGE INVENTORSHIP (GENENTECH, INC. AND IMMUNOGEN, INC.) <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request for Refund	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Additional Enclosure(s) (please identify below): <input checked="" type="checkbox"/> STAMPED RETURN POSTCARD
Remarks AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. 39766-0073 A2		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRMAN WHITE & McAULIFFE LLP		JAMES A. FOX (Reg. No. 38,455)	
	275 Middlefield Road, Menlo Park, California 94025		Telephone: (650) 324-7000	Facsimile: (650) 324-0638
Signature				
Date	December 2, 2003	Customer Number:	25213	

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP PETITION, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: December 2, 2003			
Express Mail Label EL 976 543 465 US			
Typed or printed name	C. FONG		
Signature		Date	December 2, 2003

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop ___, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:) Examiner: Holleran, Anne L.
Sharon ERICKSON, et al.) Art Unit: 1642
Application Serial No. 09/811,123) Confirmation No. 6508
Filed: March 16, 2001) Attorney's Docket No. 39766-0073 A2
For: **METHODS OF TREATMENT USING**) **Customer No. 25213**
ANTI-ErbB ANTIBODY)
MAYTANSINOID CONJUGATES)

EXPRESS MAIL LABEL NO. EL 976 543 465 US
Date Mailed: DECEMBER 2, 2003

PETITION TO CORRECT INVENTORSHIP

Mail Stop Petition

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant respectfully requests that inventorship be corrected to reflect the following named inventors:

- | | | | |
|----|-----------------|----|--------------------|
| 1. | Sharon Erickson | 3. | Mark Sliwkowski |
| 2. | Ralph Schwall | 4. | Walter A. Blattler |

Enclosed to satisfy the requirements for correction are:

- (X) Statement by Walter A. Blattler indicating that his omission was without deceptive intent.
- (X) A **NEW** Declaration fully executed by all named inventors.
- (X) Written consent of the Assignee for the addition of Dr. Blattler.
- (X) Processing fee of \$130.00.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 referencing Attorney's Docket No. 39766-0073 A2.

Respectfully submitted,

By: 

James A. Fox (Reg. No. 38,455)

Dated: December 2, 2003
Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, California 94025-3506
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

12/05/2003 SSITHIB1 00000041 09811123

01 FC:1460

130.00 OP



39766-0073 A2

P1801 R2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Erickson <i>et al.</i>	)	Examiner:	A. HOLLERAN
Appl. No.	:	09/811,123	)	Group Art Unit:	1642
Filed	:	March 16, 2001	)	Confirmation Number:	6508
For	:	METHODS OF TREATMENT USING ANTI-ErbB ANTIBODY MAYTANSINOID CONJUGATES)		
			)	STATEMENT	

STATEMENT OF WALTER A. BLATTLER

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

I, Walter Blattler, hereby say as follows:

1. I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS OF TREATMENT USING ANTI-ErbB ANTIBODY MAYTANSINOID CONJUGATES**; the specification of which was filed on **March 16, 2001** as Application Serial No. **09/811,123**.

2. My name was not included in the filing papers of Application Serial No. **09/811,123** as originally filed.

3. The omission of my name from the filing papers of Application Serial No. **09/811,123** as originally filed was without deceptive intent on my part.

4. I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

Date: Nov. 13, 2003 By: W. Blattler
Walter A. Blattler



DECLARATION AND POWER OF ATTORNEY- USA PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name;

I believe I am an original, first and joint inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled **METHODS OF TREATMENT USING ANTI-ErbB ANTIBODY MAYTANSINOID CONJUGATES**; the specification of which was filed on **March 16, 2001** as Application Serial No. **09/811,123**.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above;

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56;

I hereby claim the benefit under Title 35, United States Codes § 119(e) of any United States provisional application(s) listed below.

Application No.: **60/189,844**

Filing Date: **March 16, 2000**

Application No.: **60/238,327**

Filing Date: **October 5, 2000**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application(s)

Application No.: **09/602,530**

Filing Date: **06/23/00**

Status: **Abandoned**

POWER OF ATTORNEY: I hereby appoint the registrants of Heller Ehrman White & McAuliffe, 275 Middlefield Road, Menlo Park, California 94025-3506, Telephone Number 650-324-7000, **Customer No. 25213**.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful, false statements may jeopardize the validity of the application or any patent issued thereon.

FULL NAME OF FIRST INVENTOR: SHARON ERICKSON

CITIZENSHIP:
UNITED STATES

RESIDENCE: 970 Vista Road, Hillsborough, California 94010

POST OFFICE ADDRESS: 970 Vista Road, Hillsborough, California 94010

SIGNATURE:

DATE:

FULL NAME OF SECOND INVENTOR: RALPH SCHWALL

CITIZENSHIP:
UNITED STATES

RESIDENCE: 400 Griffin Avenue, Pacifica, California 94044

POST OFFICE ADDRESS: 400 Griffin Avenue, Pacifica, California 94044

SIGNATURE:

DATE:

FULL NAME OF THIRD INVENTOR: MARK SLIWKOWSKI

CITIZENSHIP:
UNITED STATES

RESIDENCE: 42 Oak Creek Lane, San Carlos, California 94070

POST OFFICE ADDRESS: 42 Oak Creek Lane, San Carlos, California 94070

SIGNATURE:

DATE:

FULL NAME OF FOURTH INVENTOR: WALTER BLATTNER

CITIZENSHIP:
SWITZERLAND

RESIDENCE: 197 Mason Terrace, Brookline, Massachusetts 02446-2768

POST OFFICE ADDRESS: 197 Mason Terrace, Brookline, Massachusetts
02446-2768

SIGNATURE:

DATE:

Walter A. Blattner *Oct. 15, 2003*

Send Correspondence To:

Heller, Ehrman, White & McAuliffe
Customer Number 25213

FULL NAME OF FIRST INVENTOR: SHARON ERICKSON

CITIZENSHIP:
UNITED STATES

RESIDENCE: 970 Vista Road, Hillsborough, California 94010

POST OFFICE ADDRESS: 970 Vista Road, Hillsborough, California 94010

SIGNATURE:

Sharon Erickson

DATE:

10/13/03

FULL NAME OF SECOND INVENTOR: RALPH SCHWALL

CITIZENSHIP:
UNITED STATES

RESIDENCE: 400 Griffin Avenue, Pacifica, California 94044

POST OFFICE ADDRESS: 400 Griffin Avenue, Pacifica, California 94044

SIGNATURE:

Ralph Schwall

DATE:

10-14-03

FULL NAME OF THIRD INVENTOR: MARK SLIWKOWSKI

CITIZENSHIP:
UNITED STATES

RESIDENCE: 42 Oak Creek Lane, San Carlos, California 94070

POST OFFICE ADDRESS: 42 Oak Creek Lane, San Carlos, California 94070

SIGNATURE:

Mark Slivkowski

DATE:

10/13/03

FULL NAME OF FOURTH INVENTOR: WALTER BLATTNER

CITIZENSHIP:
SWITZERLAND

RESIDENCE: 197 Mason Terrace, Brookline, Massachusetts 02446-2768

POST OFFICE ADDRESS: 197 Mason Terrace, Brookline, Massachusetts
02446-2768

SIGNATURE:

DATE:

Send Correspondence To:

Heller, Ehrman, White & McAuliffe
Customer Number 25213



39766-0073 A2

P1801 R2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	: Erickson <i>et al.</i>	) Examiner:	A. HOLLERAN
Appl. No.	: 09/811,123	) Group Art Unit:	1642
Filed	: March 16, 2001	) Confirmation Number:	6508
For	: METHODS OF TREATMENT)	
	: USING ANTI-ErbB	)	STATEMENT
	: ANTIBODY)	
	: MAYTANSINOID)	
	: CONJUGATES)	

CONSENT OF ASSIGNEE TO CHANGE INVENTORSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Assignee consents to correction of inventorship of the application entitled **METHODS OF TREATMENT USING ANTI-ErbB ANTIBODY MAYTANSINOID CONJUGATES**; the specification of which was filed on **March 16, 2001** as Application Serial No. **09/811,123** to reflect the following named inventors:

- | | |
|--------------------|-----------------------|
| 1. Sharon Erickson | 3. Mark Sliwkowski |
| 2. Ralph Schwall | 4. Walter A. Blattler |

Please charge any additional fees, including fees for extension of time, or credit overpayment to Deposit Account 08-1641 referencing Attorney Docket No. 39766-0073 A2.

The undersigned has authority to sign for the assignee GENENTECH, INC. whose interest in the above-identified application was recorded at Reel 012132 and Frame 0897 on September 10, 2001.

duE

Date: November 21, 2003 By: Sean Johnston
Sean A. Johnston
Vice President, Intellectual Property
Genentech, Inc.



39766-0073 A2

P1801 R2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Erickson <i>et al.</i>	)	Examiner:	A. HOLLERAN
Appl. No.	:	09/811,123	)	Group Art Unit:	1642
Filed	:	March 16, 2001	)	Confirmation Number:	6508
For	:	METHODS OF TREATMENT USING ANTI-ErbB ANTIBODY MAYTANSINOID CONJUGATES)		
			)	STATEMENT	

CONSENT OF ASSIGNEE TO CHANGE INVENTORSHIP

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Assignee consents to correction of inventorship of the application entitled **METHODS OF TREATMENT USING ANTI-ErbB ANTIBODY MAYTANSINOID CONJUGATES**; the specification of which was filed on **March 16, 2001** as Application Serial No. **09/811,123** to reflect the following named inventors:

- | | |
|--------------------|-----------------------|
| 1. Sharon Erickson | 3. Walter Sliwkowski |
| 2. Ralph Schwall | 4. Walter A. Blattler |

Please charge any additional fees, including fees for extension of time, or credit overpayment to Deposit Account 08-1641 referencing Attorney Docket No. 39766-0073 A2.

The undersigned has authority to sign for the assignee IMMUNOGEN, INC. whose interest in the above-identified application was recorded at Reel 013566 and Frame 0732 on April 4, 2003.

Date: 11/17/03By: 

Gregg Beloff

Vice President and Chief Financial Officer
ImmunoGen, Inc.